

May 18, 2022

TPA Compliance

Workgroup Meeting





Agenda

Welcome

TPA Announcements & Updates

Compliance in the News: COVID-19 Fraud – An Evolving Issue

Hot Topic: Rising Security Risks – Malware & Ransomware

Education Session: Proposed HIPAA Changes (2022)

Questions & Open Discussion



Announcements

Upcoming Events

Membership Meeting: 5/27 – 9am to 10:30am

Great Lakes Therap Conference: 5/19 – 10am to 1:30pm

Every Day Lives Conference: 5/24 & 5/25 – 9am to 4pm

Mental Health & Disability Summit: 5/26 – 8:30am to 3:30pm

ODP Reminders

Reminder: Provider Electronic Solutions Software Sunset 6/15

ODP Medication Administration Training Outage 6/8 to 7/10

In the News

COVID-19 FRAUD - AN EVOLVING ISSUE



COVID-19 Fraud!

The Issue

New Targets

- *Requests for an Individuals Medicare # for Outstanding Claims related to COVID-19*
- *Requests to Wire Donations to an organization to help defray COVID-19 Costs*
- *Notices that organizations are eligible for additional stimulus payments OR Notices that you've received an overpayment and must refund CARES Act Funds*

What should you do?

- *Like anything else, be aware & stay vigilant*

Hot Topic

RISING SECURITY RISKS

MALWARE & RANSOMWARE



What you need to know

- Risks are Evolving for PHI & PII Exposures
- Security Fatigue is a Real Thing!
- Cybercriminals are becoming more sophisticated and less discerning with targets
- New Vulnerabilities – Internet of Things (IoT) Risks
- Rationalize that Hacks are Announces More than True Risks in our Space (who wants our information?)



What you can do

Remember the Maxims!

- Awareness is Critical
- Bolster Email Vigilance
- Use Multi-Factor Authentication wherever possible
- Pay Attention to Web Addresses & Email Addresses
- Update ALL devices & Software Regularly
- Always Look before you Click



Questions so far?



Education Session

HIPAA 2022: PREPARING FOR NEW RULES



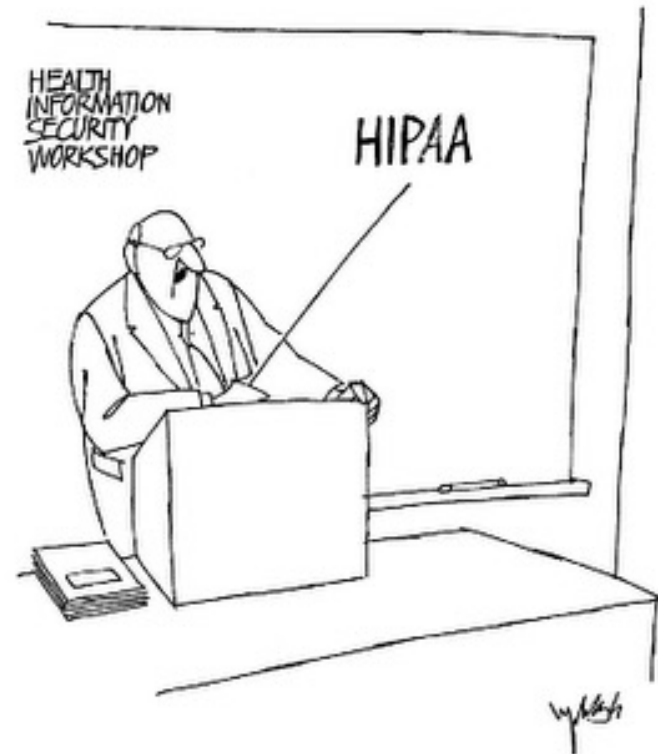
History

Health Insurance Portability & Accountability Act is now 26 years old

Last Updates: 2009 HITECH Act & 2013 HIPAA Omnibus Rule

- *HITECH was designed to promote the adoption & meaningful use of health information technology as part of the Affordable Care legislation.*
- *HIPAA Omnibus rule focused on safeguarding privacy and health information in an increasingly digital world*

Over the last (9) years, HHS and OCR have favored Guidance on standards rather than reissue rules



"No, it's not a female Hippopotamus, anyone else know?"



Fast Forward...2018

OCR issued a Request for Information on Changes

RFI Targeted (54) Questions:

- Individuals right to access & obtain records
- Privacy Practice Standards
- Restrictions on Disclosures of PHI without Authorization
- Exceptions to Minimum Necessary Standards
- Improving Care Coordination & Information Sharing
- Addressing Privacy of Behavioral Health & SUD Information

Comment Period Closed in February 2019



Proposed Rules

In December 2020, OCR Issued a Notice of Proposed Rule Making (NPRM) in response to the comments.

NPRM reflected relatively limited changes (as compared to the comments received).

The NPRM focused on (3) Key Areas:

- Strengthening Access to PHI/PII
- Facilitating Data Sharing
- Easing Administrative Burden on HIPAA Covered-Entities

Summary of Proposed Updates



1. Allowing people to take notes, videos and photographs of their PHI
2. Reducing the time for a provider to provide access to records from 30 days to 15 days
3. Prohibiting a covered entity from creating 'barriers' to access PHI.
4. Permitting a covered entity to send information when requested by an individual to a personal health app
5. Clarifying the definition of Electronic Health Record

Summary of Proposed Updates



6. New Definition of Personal Health Application
7. New Requirements Related to Access Fees
8. Eliminating the requirement of Written Acknowledgement that they've received the NPP
9. Loosening Restrictions on Disclosures of PHI/PII for Care Coordination & Case Management
10. Changing the standard of disclosure from 'professional judgement' to 'good faith' in emergencies or other circumstances
11. Expanding the ability of an CE to use or share PHI to avert a threat to Health & Safety



Cascading Impacts



Changes to 42 CFR Part 2
(regulatory standards for
managing Substance Use
Disorder Information)

Redefining 'Recognized Security
Practices'



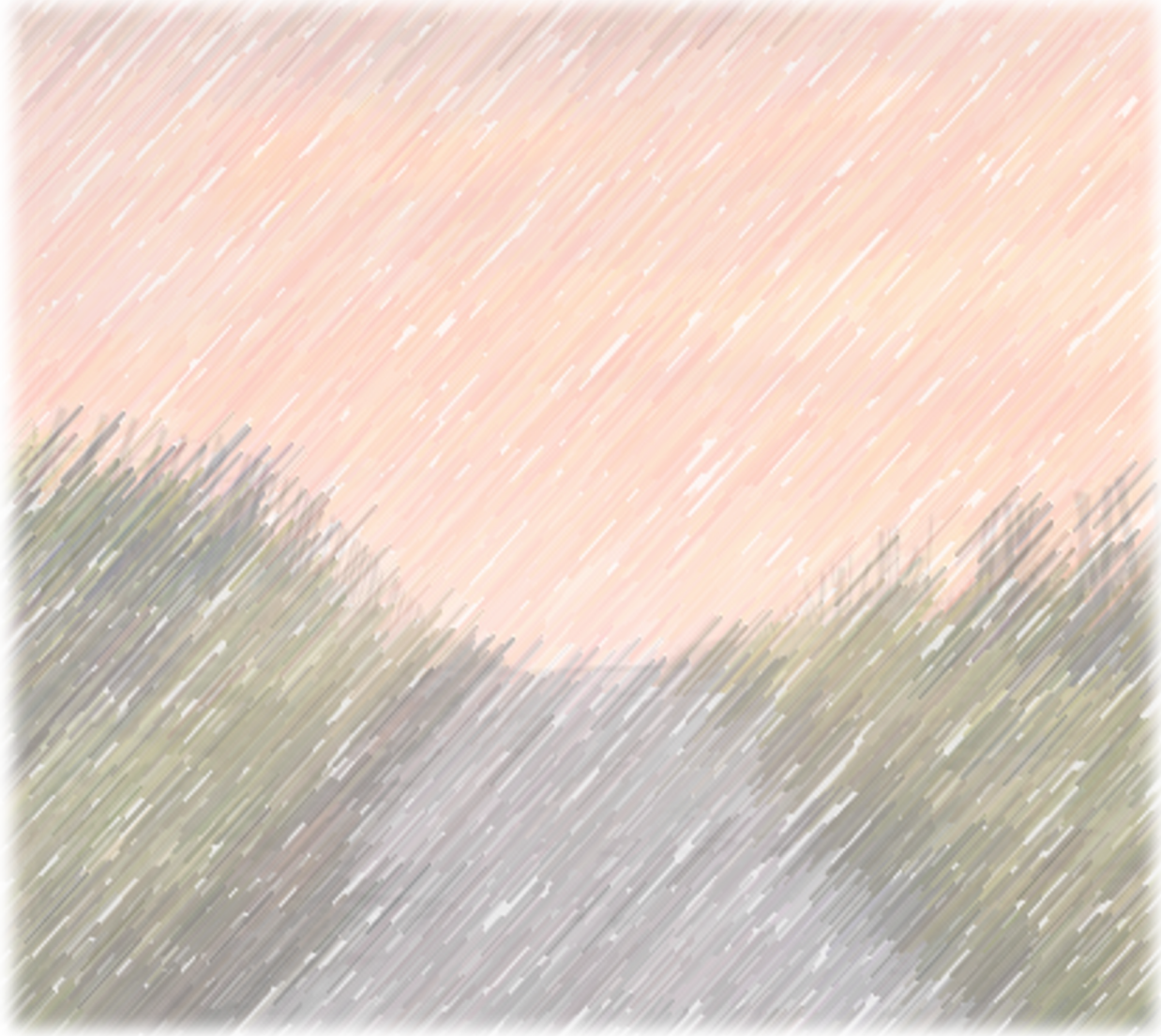
Some Questions??

While the intent is to reduce administrative burden and increase modernize the HIPAA Privacy & Security Rules, it does create many questions:

- What will these changes mean for potential data breaches?
- What will this mean for enforcement activities?
- What operationally needs to be in place for a provider to comply with the new access standards?
- Since the definition of Electronic Health Record now includes billing records, how can these records be made available in a meaningful way?
- How do providers manage legitimate restrictions to records when individuals are now able to note, video, and photograph records?

TIME WILL TELL

- We anticipate OCR to 'adjust' but not 'remove' elements of the proposed rules.
- We anticipate these rules to be published in late 2022.
- We anticipate that when a final rule is published, there will be a period to ramp up compliance.
- The key is to know where you are today, so you can adapt.



Recommendations on Next Steps...



Take Stock

Stay Informed

Refocus/Revisit Privacy & Security

Educate Organizational Leaders

Remain Vigilant!



Questions & Discussion





Thank You!

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